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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Alulbayt Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Extreme Violence against Children through Legal System in Bahrain

Provisions in Bahraini legislation with regards to children, especially those applicable to children in conflict with the law, flout international standards of juvenile justice. According to the Child Law of 2012 (Article 4), a child is defined as someone not exceeding the age of 18 years. However children who have turned 15 who are in conflict with the law are considered as adults. According to the 1976 Juvenile Law a juvenile is someone not exceeding 15 years of age. Bahrain's Penal Code (Article 32) states "there is no [criminal] responsibility for anyone not exceeding the age of 15 when the crime was committed." The Article also states that provisions of the 1976 Juvenile Law apply when a person is below the age of 15 "at the time of committing an act constituting a crime".

(Article 6) state the Juvenile Law states that those under the age of 15 cannot be imprisoned if they commit a crime They are supposedly given alternatives to deprivation of their liberty. However, in reality, most of those tried and sentenced in connection with the anti- government protests and who are below 15 are held in the Juvenile Centre in 'Issa Town which is under the Ministry of Interior's control and they are deprived of their liberty. In reality the legal minimum age of criminal responsibility is seven, which is extremely low compared to internationally accepted standards.

Current there 213 minors held behind bar within the Bahrain prisons, forced to stay side-by-side with adults, and a few have faced torture and sexual abuses.

Some of the children face charges of up to 15 years. One child, 17, has a verdict of up to 34 years in prison based on the cases sentenced against him, and he still has one case to be sentence by the end of this year, some of these children are charged under the terrorism law, which was created to silence the uprising.

Children as young as 13 have been sentenced to prison on charges of terrorism in trials that lacked any evidence and despite the fact that the Bahraini law does not define prison punishment for children below the age of 15 in the event of a criminal conviction.

To the Office of the High Commissioner for Human Rights

- Request the government of Bahrain to extend a standing invitation to the Special Procedures of the UN Human Rights Council, in particular the Special Rapporteur on the independence of judges and lawyers, and to respond positively to the visit request of the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

To the Special Rapporteur on the independence of judges and lawyers

Recalling the relevant United Nations rules and guidelines for the treatment of children in contact with the justice system, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Guidelines for Action on Children in the Criminal Justice System (the Vienna Guidelines), the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, the Guidelines for the Appropriate Use and Conditions of Alternative Care for Children, the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the basic principles on the use of restorative justice programmes in criminal matters, and taking note of the guidance note of the Secretary-General on the approach of the United Nations to justice for children of September 2008, Stressingthe importance of preventing violations of the rights of the child before they occur,

- Request the government of Bahrain to extend an invitation to visit the country.

To the United States and the member states of the European Union, the Arab League, and the Gulf Cooperation Council

- Urge the government of Bahrain to extend a standing invitation to the Special Procedures of the UN Human Rights Council, respond positively to the visit request of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and facilitate in a timely manner a visit by the Special Rapporteur on the independence of judges and lawyers.
- Suspend all sales and provision of military and security-related items and assistance to Bahrain until the government adopts measures to end serious human rights violations such as those resulting from the suppression of peaceful demonstrations

To Bahraini Government

- Immediately and unconditionally release all children under 18 deprived of their liberty solely for exercising their right to freedom of expression, peaceful assembly, or association;
- Set up prompt, impartial and independent investigations into allegations of torture and other ill-treatment committed against children in detention. The outcome of these investigations should be made public and where there is sufficient admissible evidence, suspected perpetrators should be prosecuted in proceedings that conform in international fair trial standards.